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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,206	03/31/2004	Angel Stoyanov	25384	9520
28624 7590 12/31/2007 WEYERHAEUSER COMPANY INTELLECTUAL PROPERTY DEPT., CH 1J27 P.O. BOX 9777 FEDERAL WAY, WA 98063			EXAMINER CORDRAY, DENNIS R	
			ART UNIT 1791	PAPER NUMBER
			NOTIFICATION DATE 12/31/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@weyerhaeuser.com

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 10/815,206	Applicant(s) STOYANOV ET AL.	
	Examiner Dennis Cordray	Art Unit 1791	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 December 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☒ They raise the issue of new matter (see NOTE below);
 (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☒ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-10 and 13-17.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
 13. ☒ Other: See Continuation Sheet.

Continuation of 3. NOTE: The proposed amendments add 12 claims (Claim 29 is missing) but only cancel 3 claims. The amendments and new claims present new issues that, at the very least, must be considered for new matter and 35 U.S.C. 112 issues. In addition, amended claim 1 appears to change the nature of the invention, no longer requiring that the crosslinking reaction be performed in the presence of a polyol, which presents issues requiring further consideration and search.

Continuation of 13. Other: Applicant argues that the cited references do not teach bleached crosslinked cellulosic fibers comprising polycarboxylic acid crosslinked cellulose fibers and a polyol compared to unbleached crosslinked cellulosic fibers comprising polycarboxylic acid crosslinked cellulose fibers and a polyol. Such fiber and polyol mixture was not previously claimed (see Continuation of 3 NOTE). Applicant argues that there is no need to further bleach the fibers crosslinked with citric acid when a polyol is present because the whiteness properties of the fibers will be such that one skilled in the art would not look to improving them further. Consumer demand is for ever whiter fibers, thus providing motivation to always seek additional whitening. In addition, multiple bleaching and whitening treatments are known (bleaching, optical brighteners, adding blue dye, etc) and combining treatments would have been obvious with the predictable results of achieving a whiter product. Alternatively, Applicant admits that Cook teaches that bleaching citric acid crosslinked fibers removes odors associated with the crosslinking, which provides additional motivation to bleach the crosslinked fibers...

Applicant argues that the instant application does not discuss yellowing or odors caused by citric acid crosslinking. Applicant argues that the instant application achieves a high Whiteness Index, thus there would be no motivation to combine Hansen and Cook. The instant application was not available at the time of the disclosures of Hansen and Cook, thus could not have been relied upon to teach anything. Combining Hansen and Cook was necessarily done based on their disclosures and the general knowledge available at the time concerning the problems associated with citric acid crosslinking. As discussed above, there is always a need for increasing whiteness.

Smith et al was only used to teach that other claimed crosslinking agents were known in the art and is combinable with either Hansen and Cook because it teaches only what was generally known.

Regarding the combination of both Hansen patents, the patents contain very closely related subject matter and one of ordinary skill in the art would have considered both patents to determine the best embodiments of both.

ORE

Eric Hug
ERIC HUG
PRIMARY EXAMINER